IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 33884 of 2006(H)

PETITIONER:

N.C.ANANDAKUMAR,
FOREST RANGE OFFICER,
(UNDER SUSPENSION), MUNNAR,
IDUKKI DISTRICT.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN
SRI.T.R.SADEESAN
SMT.DHANYA CHANDRAN

RESPONDENTS:

1. **STATE OF KERALA,**
   REPRESENTED BY SECRETARY TO GOVERNMENT,
   FOREST AND WILD LIFE DEPARTMENT,
   GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS,**
   FOREST HEADQUARTERS, THIRUVANANTHAPURAM.

3. **THE CHIEF CONSERVATOR OF FORESTS (VIGILANCE),**
   FOREST HEADQUARTERS, THIRUVANANTHAPURAM.

4. **THE VIGILANCE AND ANTICORRUPTION BUREAU,**
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. P. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.33884/2006 H

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE G.O.(RT) NO.34/2006 F&WLD DTD. 12/01/06 ISSUED BY THE 1ST RESPONDENT.**

EXT.P2: **COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DTD. 16/01/2006.**

EXT.P3: **COPY OF THE G.O.(RT) NO.118/06/F&WLD DTD. 24/02/06 ISSUED BY THE 1ST RESPONDENT.**

EXT.P4: **COPY OF THE JUDGMENT DTD. 17/08/06 IN WP(C) NO.8199/2006 OF THIS HON'BLE COURT.**

EXT.P5: **COOPY OF THE G.O.(RT) NO.396/06/F&WLD DTD. 30/09/2006 ISSUED BY THE 1ST RESPONDENT.**

EXT.P6: **COPY OF THE CIRCULAR NO.5642/E3/98/VIG. DTD. 6/11/1999 ISSUED BY THE PRINCIPAL SECRETARY TO GOVERNMENT.**

EXT.P7: **COPY OF THE G.O.(RT) NO.116/06/F&WLD DTD. 24/02/2006 ISSUED BY THE 1ST RESPONDENT.**

EXT.P8: **COPY OF THE G.O.(RT) NO.473/06/F&WLD DTD. 13/11/2006 ISSUED BY THE 1ST RESPONDENT.**

/TRUE COPY/

KSS

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 33884 OF 2006-H

JUDGMENT

The petitioner is a Forest Range Officer. On the basis of certain commissions and omissions attributed to him, when he was working as Depot Officer of Veettoor Forest Depot, the petitioner was placed under suspension, by Ext.P1 order dated 12.1.2006. The said suspension was challenged before this Court. As per the direction of this Court, the matter was reconsidered by the Government by Ext.P5 order dated 30.9.2006. The request of the petitioner for reinstatement in service was rejected. So, this writ petition was filed, challenging Exts.P1 and P5.

2. A report has been filed by the 4th respondent, in which it is submitted as follows:

> "It is submitted that the investigation is progressing fast. The facts disclosed above are based on the investigation so far conducted. It is expected that the investigation of the case can be completed within six months. More records have to be seized and several witnesses are to be questioned. At this stage, if the petitioner is reinstated in service, there is every likelihood of tampering with evidence and influence official witnesses who are yet to be questioned. Interest of justice and that of the investigation and administration also favour this position."

The petitioner prays, on completion of six months from the date of filing of the above quoted report, if the enquiry is not completed, there may be an order to reinstate him in service.

3. I heard the learned counsel on both sides. The learned counsel for the petitioner submitted that in view of Ext.P6 circular, suspension beyond one year is not permissible.

4 In the matter of investigation of criminal cases or the completion of disciplinary proceedings, no rigid time frame can be fixed. I feel that the time frame given in Ext.P6 is meant to guide the officers who are conducting the enquiry and investigation. It does not create any indefeasible right in the persons facing enquiry or investigation. But, in view of the submissions made by the 4th respondent, it is ordered that the investigation against the petitioner shall, as far as possible, be completed within the time limit mentioned in the above report. If it cannot be completed, the Government shall reconsider whether further continuance of the petitioner on suspension, pending investigation, is necessary. The petitioner, along with a copy of this judgment, may move the Government also for revocation of the suspension, on the expiry of the above time limit. If the Government find that it is necessary to keep the petitioner under continued suspension, it shall pass a speaking order, giving reasons for the

same. The orders in this regard shall be passed before 30.8.2007.

The Writ Petition is disposed of as above.

1st June, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/